

# HOUSE . . . . . No. 142

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## The Commonwealth of Massachusetts

PRESENTED BY:

**Danielle W. Gregoire**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the disclosure of information held by the disabled persons protection commission pursuant to general laws chapter 19C.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Danielle W. Gregoire	4th Middlesex
James B. Eldridge	
Martin J. Walsh	13th Suffolk
Christopher G. Fallon	33rd Middlesex
Frank I. Smizik	15th Norfolk
Bruce J. Ayers	1st Norfolk
Anne M. Gobi	5th Worcester
John P. Fresolo	16th Worcester
Bradley H. Jones, Jr.	20th Middlesex
John W. Scibak	2nd Hampshire
Richard R. Tisei	Middlesex and Essex
Denise Provost	27th Middlesex
Barbara A. L'Italien	18th Essex
Robert F. Fennell	10th Essex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 937 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine  
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### AN ACT RELATIVE TO THE DISCLOSURE OF INFORMATION HELD BY THE DISABLED PERSONS PROTECTION COMMISSION PURSUANT TO GENERAL LAWS CHAPTER 19C.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority  
of the same, as follows:*

1 **SECTION 1.** CHAPTER 19C OF THE GENERAL LAWS, AS APPEARING IN THE 2004 OFFICIAL EDITION,  
2 IS HEREBY AMENDED BY ADDING AFTER SECTION 3 THE FOLLOWING SECTION:

3 **§3A. DISCLOSURE OF RECORDS**

4 A) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ALL RECORDS CONTAINING  
5 PERSONAL DATA WHICH ARE CREATED, COLLECTED, USED, MAINTAINED OR  
6 DISSEMINATED PURSUANT TO THIS CHAPTER SHALL NOT BE PUBLIC RECORDS, AND  
7 SHALL BE GOVERNED BY THE PROVISIONS OF CHAPTER SIXTY-SIX A, THE NOTICE  
8 PROVISIONS OF SECTION SIXTY-THREE OF CHAPTER THIRTY AND THE ENFORCEMENT  
9 PROVISIONS OF SECTION THREE B OF CHAPTER TWO HUNDRED AND FOURTEEN.

10 B) ANY EMPLOYEE OF THE COMMISSION OR A DESIGNATED AGENCY WHO VIOLATES THE  
11 PROVISIONS OF CHAPTER SIXTY-SIX A, AS MODIFIED BY THIS SECTION, WITH RESPECT TO  
12 RECORDS CREATED OR MAINTAINED UNDER THIS CHAPTER SHALL BE PUNISHED BY A  
13 FINE

14 OF NOT MORE THAN FIVE HUNDRED DOLLARS, OR IF HARM SHALL HAVE RESULTED TO  
15 ANY ONE WHOSE PRIVACY WAS SOUGHT TO BE PROTECTED BY THE PROVISION  
16 VIOLATED, BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, AND IF SUCH  
17 EMPLOYEE IS EMPLOYED

18 BY THE COMMONWEALTH, HE SHALL ALSO BE SUBJECT TO ADMINISTRATIVE  
19 DISCIPLINARY ACTION PURSUANT TO REGULATIONS ADOPTED BY THE COMMISSION  
20 UNDER SECTION THREE OF THIS CHAPTER.

21 C) NO PROVISION OF CHAPTER SIXTY-SIX A, SECTION ONE HUNDRED AND THIRTY-FIVE  
22 OF CHAPTER ONE HUNDRED AND TWELVE OR THIS SECTION RELATING TO

CONFIDENTIAL DATA OR CONFIDENTIAL COMMUNICATIONS SHALL PROHIBIT THE COMMISSION FROM MAKING REPORTS TO A DISTRICT ATTORNEY, THE ATTORNEY GENERAL, THE UNITED STATES ATTORNEY OR A DESIGNATED AGENCY PURSUANT TO THE PROVISIONS OF THIS CHAPTER. NO PERSON PROVIDING NOTIFICATION OR INFORMATION TO A DISTRICT ATTORNEY, THE ATTORNEY GENERAL, THE UNITED STATES ATTORNEY OR A DESIGNATED AGENCY OR TESTIMONY IN ANY JUDICIAL OR NON-JUDICIAL PROCEEDING PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL BE LIABLE IN ANY CIVIL OR CRIMINAL ACTION BY REASON OF SUCH ACTION.

D) NOTHING HEREIN SHALL BE CONSTRUED TO LIMIT THE PROSECUTORIAL POWER OF A DISTRICT ATTORNEY, THE ATTORNEY GENERAL OR THE UNITED STATES ATTORNEY.